

105TH CONGRESS
2D SESSION

H. R. 4562

To establish the Fallen Timbers Battlefield, Fort Meigs, and Fort Miamis
National Historical Site in the State of Ohio.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 14, 1998

Ms. KAPTUR (for herself and Mr. GILLMOR) introduced the following bill;
which was referred to the Committee on Resources

A BILL

To establish the Fallen Timbers Battlefield, Fort Meigs,
and Fort Miamis National Historical Site in the State
of Ohio.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Fallen Timbers Battle-
5 field, Fort Meigs, and Fort Miamis National Historical
6 Site Act”.

7 **SEC. 2. FINDINGS AND PURPOSES.**

8 (a) FINDINGS.—Congress finds the following:

9 (1) The 185-acre Fallen Timbers Battlefield is
10 the site of the 1794 battle between the United

1 States Army, led by General Anthony Wayne, and
2 the confederation of Native American tribes led by
3 the great Chief Tecumseh.

4 (2) Fort Meigs was constructed in January
5 1813, following the defeat of American troops com-
6 manded by James Winchester at the battle of
7 Frenchtown near Monroe, Michigan.

8 (3) British troops, led by General Henry Proc-
9 tor, landed at Fort Miamis in the spring of 1813
10 and attacked the fort twice, without success.

11 (4) Fort Meigs State Memorial is located in
12 Wood County, Ohio, in the city of Perrysburg.

13 (5) Fort Miamis and the Fallen Timbers Bat-
14 tlefield are in Lucas County, Ohio, in the city of
15 Maumee.

16 (6) The 9-acre Fallen Timbers Battlefield
17 Monument is listed as a National Historic Land-
18 mark.

19 (7) In 1969, Fort Meigs was listed on the Na-
20 tional Register of Historic Places and designated as
21 a National Historic Landmark.

22 (8) Fort Miamis is listed in the National Reg-
23 ister of Historic Places as a historic site.

24 (9) In 1959, the Battle of Fallen Timbers was
25 included in the National Survey of Historic Sites

1 and Buildings as 1 of 22 sites representing the “Ad-
2 vance of the Frontier, 1763–1830”.

3 (10) In 1960, the Battle of Fallen Timbers was
4 designated as a National Historic Landmark.

5 (b) PURPOSES.—The purposes of this Act are the fol-
6 lowing:

7 (1) To recognize and preserve the 185-acre
8 Fallen Timbers Battlefield site.

9 (2) To formalize the linkage of the Fallen Tim-
10 bers Battlefield and Monument to Fort Miamis and
11 Fort Meigs.

12 (3) To preserve and interpret United States
13 military history and Native American culture in the
14 Northwest Territory during the period from 1794
15 through 1813.

16 (4) To provide assistance to the State of Ohio,
17 political subdivisions of the State, and nonprofit or-
18 ganizations in the State, in implementing a manage-
19 ment plan that will preserve and interpret the his-
20 torical, cultural, natural, recreational, and scenic re-
21 sources of the historical site.

22 (5) To authorize the Secretary to provide tech-
23 nical assistance to the State of Ohio, political sub-
24 divisions of the State, and nonprofit organizations in
25 the State (including the Ohio Historical Society, the

1 city of Maumee, the Maumee Valley Heritage Cor-
2 ridor, the city of Toledo, and the Metropark District
3 of the Toledo Area) in developing the management
4 plan.

5 **SEC. 3. DEFINITIONS.**

6 In this Act:

7 (1) HISTORICAL SITE.—The term “historical
8 site” means the Fallen Timbers Battlefield and
9 Monument, Fort Meigs, and Fort Miamis National
10 Historical Site established by section 4.

11 (2) MANAGEMENT ENTITY.—The term “man-
12 agement entity” means—

13 (A) the Ohio Historical Society, the city of
14 Maumee, the Maumee Valley Heritage Corridor,
15 Inc., the city of Toledo, the Metropark District
16 of the Toledo Area, and

17 (B) any other entity designated by the
18 Governor of Ohio and approved by the Sec-
19 retary in accordance with section 5, as a mem-
20 ber of the management entity;
21 acting jointly.

22 (3) MANAGEMENT PLAN.—The term “manage-
23 ment plan” means a plan for management of the
24 historical site, that is developed by the management

1 entity and approved by the Secretary in accordance
2 with section 7.

3 (4) SECRETARY.—The term “Secretary” means
4 the Secretary of the Interior.

5 (5) TECHNICAL ASSISTANCE.—The term “tech-
6 nical assistance” means any guidance, advice, or
7 other aid, other than financial assistance, provided
8 by the Secretary.

9 **SEC. 4. FALLEN TIMBERS BATTLEFIELD, FORT MEIGS, AND**
10 **FORT MIAMIS NATIONAL HISTORICAL SITE.**

11 (a) ESTABLISHMENT.—There is established in the
12 State of Ohio the Fallen Timbers Battlefield, Fort Meigs,
13 and Fort Miamis National Historical Site.

14 (b) COMPONENTS.—

15 (1) IN GENERAL.—The historical site is com-
16 prised of the following:

17 (A) The Fallen Timbers site, comprised
18 generally of the following:

19 (i) The Fallen Timbers battlefield
20 site, consisting of an approximately 185-
21 acre parcel located north of U.S. 24, west
22 of U.S. 23/I-475, south of the Norfolk and
23 Western Railroad line, and east of Jerome
24 Road.

1 (ii) The approximately 9-acre Fallen
 2 Timbers battlefield monument, located
 3 south of U.S. 24.

4 (B) The approximately 66.2-acre Fort
 5 Meigs State Memorial site.

6 (C) The Fort Miamis Park site.

7 (2) MAP.—The management entity shall pre-
 8 pare a map of the historical site, which shall be on
 9 file and available for public inspection in the offices
 10 of the management entity.

11 (3) CONSENT OF LOCAL PROPERTY OWNERS.—
 12 No privately owned property shall be included within
 13 the boundaries of the historical site unless the owner
 14 of the property consents to the inclusion.

15 **SEC. 5. COMPLETION OF COMPOSITION OF MANAGEMENT**
 16 **ENTITY.**

17 Not later than 60 days after the date of the enact-
 18 ment of this Act, the Governor of Ohio may designate any
 19 entity for purposes of section 3(2)(A) and transmit that
 20 designation to the Secretary. The Secretary shall approve
 21 or disapprove any entity designated by the Governor by
 22 not later than 60 days after the date of that transmittal.

23 **SEC. 6. WITHDRAWAL OF DESIGNATION.**

24 (a) IN GENERAL.—The historical site shall remain a
 25 National historical site unless—

1 (1) the Secretary determines that—

2 (A) the use, condition, or development of
3 the historical site is incompatible with the pur-
4 poses of this Act; or

5 (B) the management entity has not made
6 reasonable and appropriate progress in prepar-
7 ing or implementing the management plan for
8 the historical site; and

9 (2) after making a determination under para-
10 graph (1), the Secretary submits to the Congress no-
11 tification that establishment of the historical site
12 should be withdrawn.

13 (b) PUBLIC HEARING.—Before the Secretary makes
14 a determination under subsection (a)(1), the Secretary
15 shall hold a public hearing in the historical site.

16 (c) TIME OF WITHDRAWAL OF DESIGNATION.—

17 (1) DEFINITION OF LEGISLATIVE DAY.—In this
18 subsection, the term “legislative day” means any
19 calendar day on which both Houses of Congress are
20 in session.

21 (2) TIME PERIOD.—The withdrawal of the his-
22 torical site designation shall become final 90 legisla-
23 tive days after the Secretary submits to Congress
24 the notification under subsection (a)(2).

1 **SEC. 7. APPROVAL OF MANAGEMENT PLAN; CONSISTENCY**
2 **OF FEDERAL ACTIONS.**

3 (a) **APPROVAL.**—

4 (1) **IN GENERAL.**—The management entity
5 shall submit any proposed management plan to the
6 Governor of the State of Ohio. Within 60 days after
7 receiving the proposed management plan, the Gov-
8 ernor shall transmit to the Secretary the proposed
9 plan and any recommendations of the Governor re-
10 garding the proposed plan. Within 30 days after re-
11 ceiving the proposed management plan, the Sec-
12 retary shall approve the proposed plan or return it
13 to the Governor with any changes recommended by
14 the Secretary.

15 (2) **ROLE OF SECRETARY.**—The Secretary may
16 not approve a proposed management plan unless it
17 includes provisions which describe the role of the
18 Secretary in implementing the plan.

19 (3) **ASSISTANCE.**—The Secretary shall assist
20 the management entity in the preparation of the
21 management plan.

22 (b) **ENSURING CONSISTENCY OF OTHER FEDERAL**
23 **ACTIONS.**—Any Federal agency conducting an activity di-
24 rectly affecting the historical site shall consider the poten-
25 tial effect of the activity on the management plan and
26 shall consult with the management entity with respect to

1 the activity to minimize the adverse effects of the activity
2 on the historical site.

3 **SEC. 8. NO EFFECT ON LAND USE REGULATION AND PRI-**
4 **VATE PROPERTY.**

5 (a) NO EFFECT ON AUTHORITY OF GOVERN-
6 MENTS.—Nothing in this Act modifies, enlarges, or dimin-
7 ishes the authority of any Federal department or agency
8 to regulate the use of land.

9 (b) NO ZONING OR LAND USE POWERS.—Nothing
10 in this Act—

11 (1) grants any power of zoning or land use con-
12 trol to the management entity; or

13 (2) modifies, enlarges, or diminishes any exist-
14 ing authority to regulate land use by any State or
15 local government entity which is a member of the
16 management entity.

17 (c) NO EFFECT ON LOCAL AUTHORITY OR PRIVATE
18 PROPERTY.—Nothing in this Act affects or authorizes the
19 management entity to interfere with—

20 (1) the rights of any person with respect to pri-
21 vate property; or

22 (2) any local zoning ordinance or land use plan
23 of the State of Ohio or a political subdivision of the
24 State.

1 **SEC. 9. FISHING, TRAPPING, AND HUNTING.**

2 (a) NO DIMINISHMENT OF STATE AUTHORITY.—Es-
3 tablishment of the historical site does not diminish the au-
4 thority of the State of Ohio to manage fish and wildlife,
5 including the regulation of fishing, hunting, and trapping
6 in the historical site.

7 (b) NO CONDITIONING OF APPROVAL AND ASSIST-
8 ANCE.—Neither the Secretary nor any other Federal agen-
9 cy may make a limitation on fishing, hunting, or trap-
10 ping—

11 (1) a condition of the determination of eligi-
12 bility for assistance under this Act; or

13 (2) a condition for the receipt, in connection
14 with the historical site, of any other form of assist-
15 ance from the Secretary or the agency, respectively.

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